

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KASHMIRA SINGH DHONOA,)
Petitioner,) CASE NO. C10-1946-JLR-JPD
v.) REPORT AND RECOMMENDATION
BRYON WILCOX, Acting Field Office)
Director, United States Immigration and)
Customs Enforcement, *et al.*,)
Respondents.)

On December 1, 2010, petitioner, proceeding through counsel, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his custody by the United States Immigration and Customs Enforcement. (Dkt. No. 1.) On January 4, 2011, however, the parties filed a Stipulated Motion for Order of Dismissal, which indicates that petitioner has been released from immigration custody pursuant to an Order of Supervision. (Dkt. No. 8.) The parties agree that this matter has become moot and may be dismissed without prejudice and without award of costs to either party. *Id.*

For a federal court to have jurisdiction, “an actual controversy must exist at all stages of

01 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir.
02 2002). “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no
03 longer detained by ICE, the Court finds that petitioner’s habeas petition is moot and should be
04 dismissed without prejudice and without award of costs to either party. *See, e.g., Cooney v.*
05 *Edwards*, 971 F.2d 345, 346 (9th Cir. 1992)(holding that the District Court properly dismissed
06 plaintiff’s claims that had become either moot or unripe). A proposed Order accompanies this
07 Report and Recommendation.

08 DATED this 7th day of January, 2011.

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10 JAMES P. DONOHUE
11 United States Magistrate Judge